

AN ORDINANCE
BY TRANSPORTATION COMMITTEE

**AN ORDINANCE TO AMEND CHAPTER 138 (ENTITLED
"STREETS, SIDEWALKS AND OTHER PUBLIC PLACES"),
ARTICLE IV, DIVISION 2, SECTION 138-84 SO AS TO AMEND
THE PROCEDURES TO BE FOLLOWED FOR THE
INSTALLATION OF TRAFFIC CALMING DEVICES IN THE
PUBLIC RIGHT OF WAY; AND FOR OTHER PURPOSES.**

WHEREAS, it is recognized that the installation of traffic calming devices is appropriate where needed to control traffic and reduce the risk of accidents on certain streets in the City of Atlanta; and

WHEREAS, the City of Atlanta currently accepts requests for the installation of traffic calming devices from property owners through a petitioning process set out at Section 138-84 of the City of Atlanta Code of Ordinances; and

WHEREAS, the Department of Public Works has determined that Section 138-84 should be revised and amended so as to clarify the procedures that need to be followed by such property owners.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY
ORDAINS**, as follows:

SECTION 1: Section 138-84 of the City of Atlanta Code of Ordinances is amended, as set out below in bold text.

Sec. 138-84. Traffic calming devices--Installation.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection except when the context requires otherwise:

(1) *Traffic calming guidelines* mean the document titled "Traffic Calming Device Implementation Guidebook," prepared by City of Atlanta, May 1999 and any future revisions.

(2) *ITE Guidelines* mean the document titled "Guidelines for the Design and Application of Speed Humps" issued by the Institute of Transportation Engineers' I.T.E. Technical Council Speed Humps Task Force in March, 1993 and subsequent revisions.

(3) *Speed hump* means that geometric roadway design features described and defined in the ITE guidelines, which shall be no less than 22 feet in width.

(4) *Traffic calming device* means a roadway feature implemented to reduce vehicular speed as described in the "Traffic Calming Implementation Guidebook" and "Guidelines for the Design and Application of Speed Humps".

(5) *Street segment* means a portion of a local residential street within the city located between any two intersecting streets.

(b) Property owners on a street or street segment who desire to have traffic calming devices installed must request that a traffic study be conducted by the department of public works to determine whether the street or street segment meets city traffic calming guidelines for the installation of such devices.

~~(c) (b) When presented with petitions in form satisfactory to the city signed by 75 percent of the property owners on any street segment (based on front footage), evidencing their desire to have such traffic calming device, to accept the signage and markings appurtenant thereto, and acknowledging that installing the traffic calming device could slow the response time of the fire department by several seconds per traffic calming device and slow other emergency vehicles as well, t~~
The department of public works shall be responsible for the administration of the traffic calming program to include conducting traffic engineering studies to determine whether all of the conditions set forth below are met. As a part of such study, the police and fire departments shall be notified and given the opportunity to comment on the applicability of section 2.11 of the guidelines to the particular street segment. If all conditions are met, the city ~~shall~~ **may** construct and install traffic calming devices on such street segment. The conditions, which must be met, are as follows:

(1) The street segment must be a residential street functionally classified as local or collector except that a collector street shall not qualify for speed humps;

(2) The 85th percentile speed of traffic on such street must be at least ten miles per hour over the posted speed limit;

~~(3) The property owners on such street segment may apply to the city for funding for all costs of construction and installation; in the alternative, the property owners may elect to engage a private contractor to construct the traffic calming devices in accordance with all requirements of the department of public works and to pay all costs of construction and installation; and~~

~~(4) That the street segment meet the criteria contained in part 2.0 of the ITE guidelines for speed humps or the criteria the contained in Traffic~~

~~Calming Device Implementation Guidebook, except to the extent this article expressly provides for different criteria. Further provided, that if Institute of Transportation Engineers' or the City of Atlanta revokes or suspends the guidelines, then this requirement shall not be deemed to have been met for any traffic calming device installation not completed by the date of such revocation or suspension.~~

In addition to the requirements set out herein, the department of public works may utilize the criteria contained in part 2.0 of the ITE guidelines for speed humps or the criteria contained in the Traffic Calming device Implementation Guidebook.

(d) Should the department of public works determine that a street or street segment meets said traffic calming guidelines, the property owners may present a petition in form satisfactory to the department of public works signed by 75 percent of the property owners on any street or street segment evidencing their desire to have such traffic calming devices installed.

(1) The petition shall identify a resident petition coordinator and shall conform in form and content with requirements established by the department of public works.

(2) By signing the petition, the property owners agree to accept the signage and markings appurtenant thereto.

(3) By signing the petition, the property owners acknowledge that installing the traffic calming devices could slow the response time of the fire department by several seconds per traffic calming device and slow other emergency vehicles.

(4) In those instances where a parcel of real property within the petitioning area is vacant, the petition coordinator will send a letter by certified mail-return receipt requested, to the property owner listed in the county property tax records. If no response to said certified letter is received within thirty days of the date of said letter, said property will be excluded from the properties within the street segment for the purposes of meeting the 75 percent petitioning requirement.

(e) The property owners on such street segment may apply to the city for funding for all costs of construction and installation; in the alternative, the property owners may elect to engage a private contractor to construct the traffic calming devices in accordance with all requirements of the department of public works and to pay all costs of construction and installation.

~~(c) Traffic calming device on a street segment shall be removed if all of the following are met:~~

- ~~(1) Seventy five percent of property owners on the street segment, via formal petition, request their removal.~~
- ~~(2) Traffic calming devices have been in place no less than one year.~~
- ~~(3) The property owners are made aware that speeds will increase.~~
- ~~(4) The property owners agree to pay all costs associated with such removal, and are assessed same under section 134-27.~~

SECTION 2: Section 138-85 of the City of Atlanta Code of Ordinances is amended, as set out below in bold text.

Sec. 138-85. Same--Removal.

Speed humps on a street segment shall be removed if all of the following are met:

- (1) Seventy-five percent of property owners on the street segment, via formal petition, request their removal.
- (2) The speed humps have been in place no less than one year.
- (3) The property owners are made aware that speeds will increase.
- (4) The property owners agree to **shall pay in full** all costs associated with such removal **prior to said removal based on a cost estimate prepared by the department of public works,** and are assessed same under section 134-27.

SECTION 3: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Transportation Committee

Caption: AN ORDINANCE TO AMEND CHAPTER 138 (ENTITLED "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES"), ARTICLE IV, DIVISION 2, SECTION 138-84 SO AS TO AMEND THE PROCEDURES TO BE FOLLOWED FOR THE INSTALLATION OF TRAFFIC CALMING DEVICES IN THE PUBLIC RIGHT OF WAY; AND FOR OTHER PURPOSES.

Council Meeting Date: June 1, 2009

Requesting Dept.: Department of Public Works

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to amend Chapter 138, Article IV, Division 2, Section 138-83 of the City of Atlanta Code of Ordinances, entitled Streets, Sidewalks, and other Public Places, to clarify procedures which need to be adhered to by property owners.

2. Please provide background information regarding this legislation.

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center:

5. Source of Funds:

6. Fiscal Impact:

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By:

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Soraya Belgrave

Contact Number: (404) 330-6002

Originating Department: Department of Public Works

Committee(s) of Purview: Transportation Committee

Chief of Staff Deadline: April 28, 2009

Anticipated Committee Meeting Date(s): May 12, 2009

Anticipated Full Council Date: June 1, 2009

Legislative Counsel's Signature: Saul Schultz 

Commissioner Signature: 

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE TO AMEND CHAPTER 138 (ENTITLED "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES"), ARTICLE IV, DIVISION 2, SECTION 138-84 SO AS TO AMEND THE PROCEDURES TO BE FOLLOWED FOR THE INSTALLATION OF TRAFFIC CALMING DEVICES IN THE PUBLIC RIGHT OF WAY; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 4/28/09 Ame Reviewed by: 5/3/09 H e
(date) (date)

Submitted to Council: _____